

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE: ASBESTOS PRODUCTS
LIABILITY LITIGATION (No. VI)

CONSOLIDATED UNDER MDL 875

VARIOUS PLAINTIFFS

FILED

MAR 12 2012

v.

MICHAEL E. KUNZ, Clerk
By _____ Dep. Clerk

VARIOUS DEFENDANTS

Certain cases wherein
Plaintiff is Represented
by Cascino Vaughan Law
Offices, listed in this Order
and in attached Exhibits

O R D E R

AND NOW, this 12th day of March, 2012, it is hereby
ORDERED that, for the reasons set forth generally in this Court's
Memorandum Opinion of November 14, 2011:¹

1. Defendants' Motions to Dismiss for failure to
provide a sufficient Administrative Order No. 12 ("AO 12") report
with respect to exposure history are **GRANTED** and the cases listed
in Exhibit "A," attached, are hereby **DISMISSED** and shall be
marked **CLOSED**.²

¹ --- F. Supp. 2d ---, 2011 WL 5555615 (E.D. Pa. 2011)
(Robreno, J.).

² The Court reiterates that asbestos multi-district
litigation presents peculiar case management needs. To streamline
the litigation, and in the interest of justice, the Court issued
Administrative Order No. 12 which, like the Lone Pine order that
originated from the New Jersey case of Lore v. Lone Pine Corp.,
No. L-03306-85, 1986 N.J. Super. LEXIS 1626 (N.J. Sup. Ct. Nov.
18, 1986), was designed to serve three objectives. One, to assist

2. Defendants' Motions to Dismiss for Failure to Submit an AO 12 Report are **GRANTED** in the following cases, Plaintiffs' Motion for Extension of Time is **DENIED**, and the following cases are **DISMISSED** and shall be marked **CLOSED**:

- a. Takavitz, 09-60487
- b. Short, 10-67528
- c. Temple, 08-90275
- d. Gunn, 08-91371
- e. Jones, 09-92262
- f. Klobucar, 08-90290

3. In certain cases, Plaintiffs served some, but not all, moving Defendants. Because Plaintiffs failed to serve certain Defendants as required by AO 12, Plaintiffs' claims **against these certain Defendants only**, as listed in Exhibit "B,"

the Court in managing the large number of cases and the complex issues involved in this litigation. Two, to allow meritorious cases to move to trial or settlement promptly. And three, to avoid unnecessary burdens on defendants, by requiring plaintiffs to provide certain medical and exposure information at the outset of the case. See Acuna, et al. v. Brown & Root, et al., 200 F.3d 335, 340 (5th Cir. 2000) ("Lone Pine orders are designed to handle the complex issues and potential burdens on defendants and the court in mass tort litigation. In the federal courts, such orders are issued under the wide discretion afforded district judges over the management of discovery under Federal Rule of Civil Procedure 16."). Without evidence of an exposure history for each plaintiff and a medical diagnosis that allows defendants and the Court to sort through, for example, which plaintiffs allegedly were exposed to whose asbestos at which locations, the litigation of thousands of cases could not go forward.

attached, are **DISMISSED**.

4. In Sobierajski v. A.W. Chesterton Company et al., 10-68054, Defendants' Motion to Dismiss (doc. no. 21) is **GRANTED** with regard to certain defendants, and **DENIED** with regard to certain other defendants. As Plaintiff's counsel certified that they provided AO 12 reports to certain Defendants (see 08-90252, doc. no. 37-72, at 5-8), but did not serve others, the motion to dismiss is **DENIED** as to the following defendants: General Electric Company; Owens-Illinois, Inc., d/b/a O-I; and CBS Corporation, who were served with AO 12 reports. The motion to dismiss is **GRANTED** as to the other defendants, who were not served.

5. In certain cases, Plaintiffs served some moving Defendants with AO 12 reports, but listed other Defendants as having "settled" or otherwise being "out" of the case. Because Plaintiffs listed certain Defendants as no longer being involved in certain cases, Plaintiffs' claims **against these certain Defendants only**, as listed in Exhibit "C," attached, are **DISMISSED**.

6. Defendants' Motions to Dismiss for failure to show any asbestos-related medical impairment are **GRANTED** and the

cases listed in Exhibit "D" are hereby **DISMISSED** and shall be marked **CLOSED**.

7. In certain cases where Plaintiffs have noted that they have served AO 12 Reports, and this has not been countered by Defendants in any Replies, certain Defendants' motions to dismiss, listed in Exhibit "E," attached, are **DENIED**.

IT IS SO ORDERED.



Eduardo C. Robreno, J.

EXHIBIT A

| Case Number | Caption | Filed By | Motion Type | Filed Date | Doc. No. |
|-------------|--|------------------------------|-------------|------------|----------|
| 08-88417 | Ammernan v. Anchor Packing Company et al | John Crane Co | Dismiss | 12/28/2011 | 36 |
| 10-64581 | Beers v. AC&S Inc et al | Certain Defendant(s) | Dismiss | 11/21/2011 | 21 |
| 11-64234 | Behr v. A.W. Chesterton Company et al | Alfa Laval, Inc. | Dismiss | 11/1/2011 | 117 |
| 11-64234 | Behr v. A.W. Chesterton Company et al | The Orr Felt Company | Dismiss | 1/5/2012 | 162 |
| 09-61321 | Beyers v. ACandS Inc et al | Bechtel Construction Company | Dismiss | 11/17/2011 | 145 |
| 10-67877 | Boinski | | Dismiss | | 127, 128 |
| 08-89481 | Boze v. AC&S Inc et al | Certain Defendant(s) | Dismiss | 11/21/2011 | 20 |
| 09-61342 | Clarke v. ACandS Inc et al | Certain Defendant(s) | Dismiss | 11/21/2011 | 23 |
| 08-91313 | Coldiron v. AC and S Inc et al | Certain Defendant(s) | Dismiss | 11/21/2011 | 15 |
| 08-90089 | Dabrowski v. A.C. and S., Inc. et al | Certain Defendant(s) | Dismiss | 11/21/2011 | 19 |
| 08-90055 | Duckwall v. AC&S Inc et al | Certain Defendant(s) | Dismiss | 11/21/2011 | 23 |
| 11-63495 | Duffey v. AW Chesterton Company et al | Alfa Laval Inc | Dismiss | 10/13/2011 | 191 |
| 11-63495 | Duffey v. AW Chesterton Company et al | Eaton Electrical Inc | Dismiss | 12/28/2011 | 217 |
| 10-67684 | Dunham v. AC and S Inc et al | Certain Defendant(s) | Dismiss | 11/21/2011 | 21 |
| 09-60261 | Fremstad v. A.C. and S., Inc. et al | Certain Defendant(s) | Dismiss | 11/21/2011 | 20 |
| 08-89477 | Gaudern v. AC&S Inc et al | Certain Defendant(s) | Dismiss | 11/21/2011 | 30 |
| 10-67705 | Givens v. AC and S Inc et al | Certain Defendant(s) | Dismiss | 11/21/2011 | 21 |
| 10-67721 | Golenia v. AC and S Inc et al | Certain Defendant(s) | Dismiss | 11/21/2011 | 22 |
| 08-89325 | Green v. A C & S Inc et al | Certain Defendant(s) | Dismiss | 11/21/2011 | 30 |
| 08-89493 | Grothe v. AC&S Inc et al | Certain Defendant(s) | Dismiss | 11/21/2011 | 27 |
| 10-61886 | Haase v. ACandS Inc. et al | Certain Defendant(s) | Dismiss | 11/21/2011 | 23 |
| 08-90169 | Hathaway v. AC&S Inc et al | Certain Defendant(s) | Dismiss | 11/21/2011 | 18 |
| 08-90040 | Holzinger v. A.C. and S., Inc. et al | Certain Defendant(s) | Dismiss | 11/21/2011 | 17 |

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|----------|--|--|---------|------------|----|
| 09-91463 | Kelly v. CBS Corporation et al | Certain Defendant(s) | Dismiss | 11/21/2011 | 32 |
| 08-91084 | Koepl v. AC and S Inc et al | Certain Defendant(s) | Dismiss | 11/21/2011 | 15 |
| 08-90062 | Krestan v. ACandS Inc et al | Certain Defendant(s) | Dismiss | 11/21/2011 | 19 |
| 09-61032 | Lundgren v. A.P. Green Industries, Inc. et al | Minnesota Mining And Manufacturing Co. | Dismiss | 5/6/2011 | 53 |
| 10-67847 | Madden v. ACandS Inc et al | Certain Defendant(s) | Dismiss | 11/21/2011 | 26 |
| 08-91350 | Malone v. Aga Gas Inc et al | Certain Defendant(s) | Dismiss | 11/21/2011 | 18 |
| 08-89454 | Mcclure v. AC&S, Inc. et al | Certain Defendant(s) | Dismiss | 11/21/2011 | 22 |
| 08-90152 | Mcglade v. A.C.And S., Inc. et al | Certain Defendant(s) | Dismiss | 11/21/2011 | 26 |
| 08-91435 | Melton v. AC and S Inc et al | Certain Defendant(s) | Dismiss | 11/21/2011 | 22 |
| 09-61018 | Newby v. Certainteed Corporation et al | Certain Defendant(s) | Dismiss | 11/21/2011 | 27 |
| 08-90071 | Orlando v. A.C. and S., Inc. et al | Certain Defendant(s) | Dismiss | 11/21/2011 | 26 |
| 08-90071 | Orlando v. A.C. and S., Inc. et al | Certain Defendant(s) | Dismiss | 11/21/2011 | 26 |
| 08-90343 | Parkhouse v. AC & S Inc. et al | Certain Defendant(s) | Dismiss | 11/21/2011 | 21 |
| 10-67712 | Petroff v. AC and S Inc et al | Certain Defendant(s) | Dismiss | 11/21/2011 | 15 |
| 09-64728 | Porter Jr v. A C and S Inc et al | Certain Defendant(s) | Dismiss | 11/21/2011 | 21 |
| 10-67689 | Purcell v. AC and S Inc et al | Certain Defendant(s) | Dismiss | 11/21/2011 | 15 |
| 09-61348 | Reharchik v. ACandS Inc et al | Certain Defendant(s) | Dismiss | 11/21/2011 | 27 |
| 09-64750 | Redman v. A C and S Inc et al | Certain Defendant(s) | Dismiss | 11/21/2011 | 16 |
| 08-90159 | Reimann v. A.C. and S., Inc. et al | Certain Defendant(s) | Dismiss | 11/21/2011 | 19 |
| 09-61335 | Repischak v. The Anchor Packing Company, et al | Certain Defendant(s) | Dismiss | 11/21/2011 | 34 |
| 08-90925 | Rich v. AC and S Inc. et al | Certain Defendant(s) | Dismiss | 11/21/2011 | 15 |
| 09-61336 | Roggeman v. ACandS Inc et al | Certain Defendant(s) | Dismiss | 11/21/2011 | 33 |
| 10-67864 | Ryan v. ACandS Inc et al | Certain Defendant(s) | Dismiss | 11/21/2011 | 17 |
| 10-67645 | Salcedo v. AC and S Inc et al | Certain Defendant(s) | Dismiss | 11/21/2011 | 20 |
| 09-62183 | Sands v. Inc. ACandS et al | Certain Defendant(s) | Dismiss | 11/21/2011 | 28 |

| | | | | | |
|----------|---|--|---------|------------|-----|
| 08-90110 | Spear v. AC&S Inc et al | Certain Defendant(s) | Dismiss | 11/21/2011 | 26 |
| 10-61493 | Stefanski v. The Anchor Packing Company et al | Certain Defendant(s) | Dismiss | 11/21/2011 | 25 |
| 10-67844 | Stefonich v. ACandS Inc et al | Certain Defendant(s) | Dismiss | 11/21/2011 | 23 |
| 10-61914 | Strancke v. ACandS Inc et al | Certain Defendant(s) | Dismiss | 11/21/2011 | 17 |
| 09-60269 | Wedow v. A.C. and S., Inc. et al | Certain Defendant(s) | Dismiss | 11/21/2011 | 18 |
| 09-60296 | Wirkuty v. A.C. and S., Inc. et al | Certain Defendant(s) | Dismiss | 11/21/2011 | 25 |
| 10-67853 | Budwick v. ACandS Inc et al | Certain Defendant(s) | Dismiss | 11/21/2011 | 31 |
| 10-67835 | Engel v. ACandS Inc et al | Certain Defendant(s) | Dismiss | 11/21/2011 | 23 |
| 09-61313 | Ervin v. ACandS Inc et al | Certain Defendant(s) | Dismiss | 11/21/2011 | 31 |
| 10-62038 | Hansen v. ACandS Inc et al | Certain Defendant(s) | Dismiss | 11/22/2011 | 55 |
| 09-61355 | Hoaglan v. The Anchor Packing Company, et al | Certain Defendant(s) | Dismiss | 11/21/2011 | 31 |
| 08-91028 | Holly v. AC and S Inc et al | Certain Defendant(s) | Dismiss | 11/21/2011 | 20 |
| 10-62062 | Morris v. ACandS Inc et al | Certain Defendant(s) | Dismiss | 11/22/2011 | 52 |
| 09-61488 | Rendmeister v. Anchor Packing Co et al | Certain Defendant(s) | Dismiss | 11/22/2011 | 19 |
| 09-60294 | Seim v. A.C. and S., Inc. et al | Certain Defendant(s) | Dismiss | 11/22/2011 | 19 |
| 10-67804 | Susen v. ACandS Inc et al | Certain Defendant(s) | Dismiss | 11/21/2011 | 21 |
| 10-61866 | Teays v. ACandS Inc. et al | Certain Defendant(s) | Dismiss | 11/21/2011 | 23 |
| 09-92261 | Valdez v. AC and S Inc et al | Certain Defendant(s) | Dismiss | 11/22/2011 | 15 |
| 10-68053 | Percy v. Cbs Corporation et al | Anaconda Wire And Cable Co | Dismiss | 11/16/2011 | 25 |
| 10-62047 | Michels v. ACandS Inc et al | Bechtel Corporation | Dismiss | 11/17/2011 | 199 |
| 11-63493 | Ostrand v. AW Chesterton Company et al | Bechtel Corporation | Dismiss | 11/17/2011 | 112 |
| 08-90262 | Zdency v. AC&S Inc et al | Ericsson, Inc. | Dismiss | 11/16/2011 | 36 |
| 08-90345 | Wright v. AC&S Inc et al | Georgia-Pacific Corporation General Electric Company Nosroc Corp. I.U. North America, Inc. Owens-Illinois Corp. Westinghouse Electric Corp. | Dismiss | 11/16/2011 | 36 |
| 11-63506 | Zerbel v. Cbs Corporation et al | Schneider Electric Usa, Inc. | Dismiss | 11/17/2011 | 70 |

EXHIBIT B

| Plaintiff/Injured Party | EDPA Cause No. | <u>AO 12</u> Report Plaintiffs' Exhibit to Response | Defendants to Dismiss |
|-------------------------|----------------|---|--|
| ARENDE, ANTHONY | 09-CV-91900 | E-1 | General Electric Company |
| BRIX GERALD | 09-CV-65679 | E-2 | General Electric Company |
| COURNEYA, MARTIN | 09-CV-92434 | E-3 | General Electric Company |
| HAKES, DONALD | 10-CV-68063 | K-1 | General Electric Company Owens-Illinois, Inc. d/b/a O-1 Union Carbide Corporation |
| JOHNSON, JAMES | 09-CV-91456 | E-6 | Union Carbide Corporation |
| LUCAS, TEOLA | 10-CV-67426 | K-2 | Union Carbide Corporation |
| MARTIN, RAY | 10-CV-67425 | K-3 | Union Carbide Corporation |
| RATLIFF, CHARLES | 10-CV-67135 | K-4 | Union Carbide Corporation |
| STRERATH, WILLIAM | 11-CV-63496 | N-5 | Bayer CropScience, Inc. as Corporate Successor to Amchem Products Georgia-Pacific LLC Union Carbide Corporation |
| SWEET, JD | 09-CV-90821 | E-10 | CBS Corporation, a Delaware Corporation, F/K/A Viacom, Inc., Successor By Merger to CBS Corporation, a Pennsylvania Corporation, F/K/A Westinghouse Electric Corporation Maremont Corporation |

EXHIBIT C

| Plaintiff/Injured Party | EDPA Cause No. | AO 12 Report Plaintiff's Exhibit to Response | Defendants to Dismiss |
|-------------------------|----------------|---|--|
| BRISFAC, MICHAEL | 08-CV-91236 | C-2 | CBS Corporation, a Delaware Corporation, F/K/A Viacom, Inc., Successor By Merger to CBS Corporation, a Pennsylvania Corporation, F/K/A Westinghouse Electric Corporation |
| CASHMAN, ROBERT | 08-CV-91240 | C-3 | Owens-Illinois, Inc. d/b/a O-I CBS Corporation, a Delaware Corporation, F/K/A Viacom, Inc., Successor By Merger to CBS Corporation, a Pennsylvania Corporation, F/K/A Westinghouse Electric Corporation |
| DOWELL, CHARLES | 08-CV-91356 | C-5 | CBS Corporation, a Delaware Corporation, F/K/A Viacom, Inc., Successor By Merger to CBS Corporation, a Pennsylvania Corporation, F/K/A Westinghouse Electric Corporation |
| MASTOWSKI, DONALD | 10-CV-61487 | C-8 | CBS Corporation, a Delaware Corporation, F/K/A Viacom, Inc., Successor By Merger to CBS Corporation, a Pennsylvania Corporation, F/K/A Westinghouse Electric Corporation |
| PROPP, DEANE | 08-CV-90332 | C-14 | CBS Corporation, a Delaware Corporation, F/K/A Viacom, Inc., Successor By Merger to CBS Corporation, a Pennsylvania Corporation, F/K/A Westinghouse Electric Corporation |
| RORER, THEODORE | 08-CV-91155 | C-15 | CBS Corporation, a Delaware Corporation, F/K/A Viacom, Inc., Successor By Merger to CBS Corporation, a Pennsylvania Corporation, F/K/A Westinghouse Electric |

EXHIBIT D

| Plaintiff/Injured Party | EDPA Cause No. |
|-------------------------|----------------|
| ARENDT, ANTHONY | 09-CV-91900 |
| BRIX, GERALD | 09-CV-65679 |
| BURZYNSKI, MILO | 11-CV-62393 |
| COURNEYA, MARTIN | 09-CV-92434 |
| GEBHARDT, GEORGE | 09-CV-93716 |
| GUNN, CHARLES | 08-CV-91371 |
| JOHNSON, JAMES | 09-CV-91456 |
| JONES, JOE | 09-CV-92262 |
| KELLY, DARYL | 09-CV-91463 |
| KLOBUCAR, EDWARD | 08-CV-90290 |
| SWEET, JD | 09-CV-90821 |

EXHIBIT E

| Case Number | District | Caption | Filed By | Motion Type | Filed Date | Doc. No. | Response Filed |
|-------------|----------|--|----------------------|-------------|------------|----------|----------------|
| 11-63517 | WI-E | Baumann v. AW Chesterton Company et al | Eaton Electrical Inc | Dismiss | 11/16/2011 | 131 | 12/15/2011 |
| 11-63517 | WI-E | Baumann v. AW Chesterton Company et al | Weyerhaeuser Company | Dismiss | 11/16/2011 | 133 | 12/15/2011 |
| 11-63517 | WI-E | Baumann v. AW Chesterton Company et al | Bechtel Corporation | Dismiss | 11/17/2011 | 138 | 12/15/2011 |
| 11-63484 | WI-E | Subert v. AW Chesterton Company et al | Alfa Laval Inc | Dismiss | 10/13/2011 | 160 | 11/2/2011 |
| 11-63484 | WI-E | Subert v. AW Chesterton Company et al | Metso Paper Usa Inc | Dismiss | 11/11/2011 | 184 | 12/15/2011 |
| 11-63484 | WI-E | Subert v. AW Chesterton Company et al | The Orr Felt Company | Dismiss | 11/16/2011 | 199 | 12/15/2011 |
| 11-63506 | WI-E | Zerbel v. Cbs Corporation et al | Eaton Electrical Inc | Dismiss | 11/16/2011 | 66 | 12/15/2011 |
| 08-90252 | IL-N | Passarelli v. A.C. and S., Inc. et al | Beazer East Inc. | Dismiss | 11/16/2011 | 24 | 12/15/2011 |